

AMENDMENTS TO THE CALIFORNIA RULES OF COURT

Adopted by the Judicial Council on April 17, 2015,  
effective on July 1, 2015

**Rule 10.70. Task forces, working groups, and other advisory bodies**

**(a) Established by Chief Justice or Judicial Council**

The Chief Justice ~~, the Administrative Director of the Courts,~~ or the council may establish task forces and other advisory bodies to work on specific projects that cannot be addressed by the council's standing advisory committees. These task forces and other advisory bodies may be required to report to one of the internal committees ~~or the Administrative Director,~~ as designated in their charges.

*(Subd (a) lettered and amended effective July 1, 2015; adopted as unlettered subd effective January 1, 1999.)*

**(b) Established by Administrative Director**

The Administrative Director may establish working groups to work on specific projects identified by the Administrative Director that address areas and topics within the Administrative Director's purview.

*(Subd (b) adopted effective July 1, 2015.)*

*Rule 10.70 amended effective July 1, 2015; adopted as rule 6.70 effective January 1, 1999; previously renumbered effective January 1, 2007; previously amended effective September 1, 2003 and August 14, 2009.*

**Rule 10.101. Role of the Judicial Council ~~and Administrative Office of the Courts~~**

**(a) Purpose**

This rule specifies the responsibilities of the Judicial Council, the Chief Justice, the Administrative Director ~~of the Courts,~~ and ~~the Administrative Office of the Courts~~ council staff with respect to the judicial branch budget.

*(Subd (a) amended effective July 1, 2015; previously amended effective January 1, 2005, January 1, 2007, and August 14, 2009.)*

**(b) Duties of the Judicial Council**

The Judicial Council must:

(1) \* \* \*

- 1  
2       (2)   Develop policies and procedures for the creation and implementation of a  
3       yearly budget for the judicial branch;  
4  
5       (2)(3) Develop the budget of the judicial branch based on the priorities established  
6       and the needs of the courts;  
7  
8       (3)(4) Communicate and advocate the budget of the judicial branch to the Governor  
9       and the Legislature;  
10  
11       (4)(5) Allocate funds in a manner that ensures equal access to justice for all citizens  
12       of the state, ensures the ability of the courts to carry out their functions  
13       effectively, promotes implementation of statewide policies as established by  
14       statute and the Judicial Council, and promotes implementation of efficiencies  
15       and cost-saving measures;  
16  
17       (5)(6) Resolve appeals on budget and allocation issues; and  
18  
19       (6)(7) Ensure that the budget of the judicial branch remains within the limits of the  
20       appropriation set by the Legislature.  
21

22       *(Subd (b) amended effective July 1, 2015; previously amended effective January 1, 2007*  
23       *and August 14, 2009.)*  
24

25       (c)   **Authority of the Chief Justice and Administrative Director ~~of the Courts~~**  
26

- 27       (1)   The Chief Justice and the Administrative Director ~~of the Courts~~ may take the  
28       following actions, on behalf of the Judicial Council, with regard to any of the  
29       Judicial Council's recommended budgets for the Supreme Court, the Courts  
30       of Appeal, the trial courts, the Judicial Council, the Habeas Corpus Resource  
31       Center, and ~~the Administrative Office of the Courts~~ council staff:  
32

33       (A)–(B)   \* \* \*

- 34  
35       (2)   The Chief Justice ~~and the Administrative Director of the Courts~~, on behalf of  
36       the Judicial Council, may allocate funding appropriated in the annual State  
37       Budget to the Supreme Court, the Courts of Appeal, the Judicial Council, the  
38       Habeas Corpus Resource Center, and ~~the Administrative Office of the Courts~~  
39       council staff.  
40  
41       (3)   After the end of each fiscal year, the Administrative Director ~~of the Courts~~  
42       must report to the Judicial Council on the actual expenditures from the  
43       budgets for the Supreme Court, the Courts of Appeal, the trial courts, the

Judicial Council, the Habeas Corpus Resource Center, and the ~~Administrative Office of the Courts~~ council staff.

*(Subd (c) amended effective July 1, 2015; adopted effective January 1, 2005; previously amended effective August 14, 2009.)*

**(d) Duties of the Administrative Director of the ~~Courts~~**

The Administrative Director of the ~~Courts~~ implements the directives of the Judicial Council and must:

~~(1) — Develop policies and procedures for the creation and implementation of a yearly budget for the judicial branch;~~

~~(2)~~(1) Present the judicial branch budget in negotiations with the Governor and the Legislature; and

~~(3)~~(2) Allocate to the trial courts, on behalf of the Judicial Council, a portion of the prior fiscal year baseline allocation for the trial courts following approval of the State Budget and before the allocation of state trial court funding by the Judicial Council. The portion of the prior fiscal year baseline allocation that may be so allocated is limited to the amount estimated to be necessary for the operation of the courts pending action by the Judicial Council, and may not exceed 25 percent of the prior fiscal year baseline allocation for each trial court.

*(Subd (d) amended effective July 1, 2015; adopted as subd (c); previously relettered effective January 1, 2005; previously amended effective January 1, 2001, January 1, 2007, and August 14, 2009.)*

**(e) Duties of the director of the Finance ~~Division~~**

The director of the Finance Division of the ~~Administrative Office of the Courts~~ for the Judicial Council, under the direction of the Administrative Director of the ~~Courts~~, administers the budget policies and procedures developed by the ~~Administrative Director of the Courts~~ and approved by the Judicial Council. The director of the Finance ~~Division~~ must:

(1)–(4) \* \* \*

(5) Assist all courts and the Administrative Director of the ~~Courts~~ in preparing and managing budgets.

(Subd (e) amended effective July 1, 2015; adopted as subd (d); previously relettered effective January 1, 2005; previously amended effective January 1, 2007 and August 14, 2009.)

Rule 10.101 amended effective July 1, 2015; adopted as rule 2301 effective July 1, 1998; renumbered as rule 6.101 effective January 1, 1999; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2001, January 1, 2005, and August 14, 2009.

#### **Advisory Committee Comment**

Subdivision (c)(1)(A). Examples of technical changes to the budget include calculation of fiscal need, translation of an approved concept to final fiscal need, and simple non-policy-related baseline adjustments such as health and retirement benefits, Pro Rata, and the Statewide Cost Allocation Plan.

#### **Rule 10.473. Minimum education requirements for trial court executive officers**

(a) \* \* \*

##### **(b) Content-based requirement**

(1) Each new executive officer must complete the Presiding Judges Orientation and Court Management Program provided by the ~~Administrative Office of the Courts' Education Division/~~ Judicial Council's Center for Judicial Judiciary Education and Research (CJER) within one year of becoming an executive officer and should participate in additional education during the first year.

(2) \* \* \*

(Subd (b) amended effective July 1, 2015.)

##### **(c) Hours-based requirement**

(1) Each executive officer must complete 30 hours of continuing education, including at least three hours of ethics education, every three years, ~~beginning on the following date:~~

~~(A)~~(2) For a new executive officer, the first three-year period begins on January 1 of the year following completion of the required education for new executive officers.

(B) ~~For all other executive officers, the first three year period began on January 1, 2007.~~

(2)(3) The following education applies toward the required 30 hours of continuing education:

(A) \* \* \*

(B) Each hour of participation in traditional (live, face-to-face) education; distance education such as broadcasts, videoconferences, and online coursework; self-directed study; and faculty service counts toward the requirement on an hour-for-hour basis. ~~Each court executive officer must complete at least half of his or her continuing education hours requirement as a participant in traditional (live, face-to-face) education. The court executive officer may complete the balance of his or her education hours requirement through any other means with no limitation on any particular type of education. The presiding judge has discretion to determine the number of hours, if any, of traditional (live, face-to-face) education required to meet the continuing education requirement.~~

(C) \* \* \*

*(Subd (c) amended effective July 1, 2015; previously amended effective January 1, 2008, January 1, 2011, January 1, 2012, and January 1, 2013.)*

(d)–(e) \* \* \*

*Rule 10.473 amended effective July 1, 2015; adopted as rule 10.463 effective January 1, 2007; previously amended and renumbered effective January 1, 2008; previously amended effective January 1, 2011, January 1, 2012, and January 1, 2013.*

### **Rule 10.603. Authority and duties of presiding judge**

(a)–(b) \* \* \*

#### **(c) Duties**

(1)–(2) \* \* \*

(3) *Submitted cases*

The presiding judge must supervise and monitor the number of causes under

1 submission before the judges of the court and ensure that no cause under  
2 submission remains undecided and pending for longer than 90 days. As an  
3 aid in accomplishing this goal, the presiding judge must:

4  
5 (A)–(E) \* \* \*

6  
7 (F) Consider requesting the services of ~~the Administrative Office of the~~  
8 ~~Courts~~ Judicial Council staff to review the court’s calendar  
9 management procedures and make recommendations whenever either  
10 of the following condition exists in the court for the most recent three  
11 months:

12  
13 (i)–(ii) \* \* \*

14  
15 (4) *Oversight of judicial officers*

16  
17 The presiding judge must:

18  
19 (A)–(B) \* \* \*

20  
21 (C) *Commissioners*

22  
23 (i) Prepare and submit to the judges for consideration and adoption  
24 procedures for receiving, inquiring into, and resolving complaints  
25 lodged against ~~court commissioners and referees~~ subordinate  
26 judicial officers, consistent with rule 10.703; and

27  
28 (ii) Notify the Commission on Judicial Performance if a  
29 ~~commissioner or referee~~ subordinate judicial officer is disciplined  
30 or resigns, consistent with rule 10.703~~(4)~~(j).

31  
32 (D) \* \* \*

33  
34 (E) *Assigned judges*

35  
36 For each assigned retired judge:

37  
38 (i) \* \* \*

39  
40 (ii) Submit the form annually to the Administrative Director ~~of the~~  
41 ~~Courts~~;

(iii) Direct complaints against the assigned judge to the Chief Justice, by forwarding them to the attention of the Administrative Director of the Courts, and provide requested information in writing to the Administrative Director of the Courts in a timely manner; and

(iv) \* \* \*

(5)–(7) \* \* \*

(8) *Liaison*

The presiding judge must:

(A) Provide for liaison between the court and the Judicial Council, ~~the Administrative Office of the Courts~~ Judicial Council staff, and other governmental and civic agencies;

(B)–(C) \* \* \*

(9)–(11) \* \* \*

*(Subd (c) amended effective July 1, 2015; previously amended effective January 1, 2001, January 1, 2002, January 1, 2006, July 1, 2006, January 1, 2007, and July 1, 2010.)*

(d) \* \* \*

*Rule 10.603 amended effective July 1, 2015; adopted as rule 6.603 effective January 1, 2001; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2002, January 1, 2006, July 1, 2006, and July 1, 2010.*

**Rule 10.630. ~~Reporting of~~ Reciprocal assignment orders**

A “reciprocal assignment order” is an order issued by the Chief Justice that permits judges in courts of different counties to serve in each other’s courts. ~~A court must report to the Administrative Office of the Courts, on a monthly basis, each assignment of a judge from another county to its court under a reciprocal assignment order.~~

*Rule 10.630 amended effective July 1, 2015; adopted as rule 813 effective July 1, 1990; previously amended and renumbered effective January 1, 2007.*

**Rule 10.703. Subordinate judicial officers: complaints and notice requirements**

1     **(a) Intent**

2  
3     The procedures in this rule for processing complaints against subordinate judicial  
4     officers do not:

5  
6     (1)     \* \* \*

7  
8     (2)     Change the existing employee-employer relationship between the subordinate  
9     judicial officer and the court; ~~or~~

10  
11     (3)     Change the status of a subordinate judicial officer from an employee  
12     terminable at will to an employee terminable only for cause; or

13  
14     (4)     Restrict the discretion of the presiding judge in taking appropriate corrective  
15     action.

16  
17     *(Subd (a) amended effective July 1, 2015; previously amended effective January 1, 2007.)*

18  
19     **(b) Definitions**

20  
21     Unless the context requires otherwise, the following definitions apply to this rule:

22  
23     (1)     “Subordinate judicial officer” means an attorney employed by a court to  
24     serve as a commissioner, ~~or~~ referee, or hearing officer, whether the attorney  
25     is acting as a commissioner, referee, hearing officer, or temporary judge. The  
26     term does not include any other attorney acting as a temporary judge.

27  
28     (2)–(3)     \* \* \*

29  
30     (4)     “Written reprimand” means written disciplinary action that is warranted  
31     either because of the seriousness of the misconduct or because previous  
32     corrective action has been ineffective.

33  
34     *(Subd (b) amended effective July 1, 2015.)*

35  
36     **(c) Application**

37  
38     (1)     \* \* \*

39  
40     (2)     If a complaint against a subordinate judicial officer as described in (f) does  
41     not allege conduct that would be within the jurisdiction of the commission,  
42     the ~~court must process the complaint following~~ local procedures adopted  
43     under rule 10.603(c)(4)(C) apply. The local process may include any



1 procedures from this rule for the court's adjudication of the complaint other  
2 than the provisions for referring the matter to the commission under (g) or  
3 giving notice of commission review under ~~(A)~~ (k)(2)(B).  
4

5 (3) \* \* \*

6  
7 *(Subd (c) amended effective July 1, 2015; previously amended effective July 1, 2002 and*  
8 *January 1, 2007.)*  
9

10 **(d)–(e) \* \* \***

11  
12 **(f) Written complaints to presiding judge**

13  
14 (1) A complaint about the conduct of a subordinate judicial officer must be in  
15 writing and must be submitted to the presiding judge.  
16

17 (2) \* \* \*

18  
19 (3) The presiding judge has discretion to investigate complaints that are  
20 anonymous.  
21

22 (4) The presiding judge must give written notice of receipt of the complaint to  
23 the complainant, if known.  
24

25 *(Subd (f) amended effective July 1, 2015; previously amended effective January 1, 2007.)*  
26

27 **(g) Initial review of the complaint**

28  
29 (1) The presiding judge must review each complaint and determine if the  
30 complaint:  
31

32 (A) \* \* \*

33  
34 (B) ~~Needs preliminary investigation~~ Requires investigation by the presiding  
35 judge; or  
36

37 (C) ~~Requires formal investigation~~ Should be referred to the commission or  
38 to the presiding judge of another court for investigation or for  
39 investigation and adjudication.  
40

41 (2) \* \* \*

(3) In exceptional circumstances, a presiding judge may request the commission or the presiding judge of another court to investigate a complaint on behalf of the court and provide the results of the investigation to the court for action adjudication.

(4) \* \* \*

*(Subd (g) amended effective July 1, 2015; previously amended effective January 1, 2007.)*

**(h) Closing a complaint after initial review**

(1) After an preliminary initial review, the presiding judge may close without further action any complaint that:

(A)–(B) \* \* \*

(2) If the presiding judge decides to close the complaint under (h)(1), the presiding judge must notify the complainant in writing of the decision to close the investigation on the complaint. The notice must include the information required under ~~(f)~~ (k).

(3) The presiding judge ~~must~~ may, in his or her discretion, advise the subordinate judicial officer in writing of the ~~disposition~~ decision to close the complaint.

*(Subd (h) amended effective July 1, 2015; previously amended effective January 1, 2007.)*

**(i) Complaints requiring preliminary investigation**

(1) If after an initial review of the complaint the presiding judge finds a basis for further inquiry, the presiding judge must conduct an preliminary investigation appropriate to the nature of the complaint.

(2) \* \* \*

(3) The presiding judge may give the subordinate judicial officer a copy of the complaint or a summary of its allegations and allow him or her an opportunity to respond to the allegations during the investigation. The presiding judge must give the subordinate judicial officer a copy of the complaint or a summary of its allegations and allow the subordinate judicial officer an opportunity to respond to the allegations before the presiding judge decides to takes appropriate informal any disciplinary action as described in ~~(i)(4)(B)~~ against the subordinate judicial officer.

- (4) After completing the preliminary investigation, the presiding judge must, in his or her discretion:
- (A) ~~Terminate the investigation and~~ Close action on the complaint if the presiding judge finds the complaint lacks merit; or
- (B) ~~Terminate the investigation and close action on the complaint by taking appropriate informal action, which may include a reprimand or warning to the subordinate judicial officer, if the presiding judge finds a basis for taking informal action~~ Impose discipline; or
- (C) ~~Proceed with a formal investigation under (j) if the presiding judge finds a basis for proceeding further.~~ Take other appropriate corrective action, which may include, but is not limited to, oral counseling, oral reprimand, or warning of the subordinate judicial officer.
- (5) ~~If the presiding judge terminates the investigation and closes action on the complaint, the presiding judge must:~~
- (A) ~~Notify the complainant in writing of the decision to close the investigation on the complaint. The notice must include the information required under (l); and~~
- (B) ~~Advise the subordinate judicial officer in writing of the disposition.~~

**(j) Complaints requiring formal investigation**

- (1) ~~If after a preliminary investigation the presiding judge finds a basis for proceeding with the investigation, the presiding judge must conduct a formal investigation appropriate to the nature of the complaint.~~
- (A) ~~The investigation may include interviews of witnesses and a review of court records.~~
- (B) ~~As soon as practicable, the presiding judge must give the subordinate judicial officer a copy of the complaint or a summary of its allegations and allow the subordinate judicial officer an opportunity to respond.~~
- (5) If the presiding judge closes action on the complaint under (i)(4)(A) and the presiding judge is aware that the subordinate judicial officer knows of the complaint, the presiding judge must give the subordinate judicial officer written notice of the final action taken on the complaint.

1       ~~(2)(6)~~ If the presiding judge decides to impose discipline or take other appropriate  
2       corrective action under (i)(4)(B) or (C), within 10 days after the completion  
3       of the investigation or as soon thereafter as is reasonably possible, the  
4       presiding judge must give the subordinate judicial officer the following in  
5       writing:

6  
7       (A)   \* \* \*

8  
9       (B)   The facts and other information forming the basis for the proposed  
10       action and the source of the facts and information, ~~sufficient to allow a~~  
11       ~~meaningful response to the allegations.~~

12  
13       ~~(3)~~   ~~Final action on the complaint may include:~~

14  
15       ~~(A)   A finding that no further action need be taken on the complaint;~~

16  
17       ~~(B)   An oral or written warning to the subordinate judicial officer;~~

18  
19       ~~(C)   A private written reprimand to the subordinate judicial officer;~~

20  
21       ~~(D)   A public written reprimand to the subordinate judicial officer;~~

22  
23       ~~(E)   Suspension of the subordinate judicial officer;~~

24  
25       ~~(F)   Termination of the subordinate judicial officer; and~~

26  
27       ~~(G)   Any other action the court may deem appropriate.~~

28  
29       ~~(4)(7)~~ The notice of the intended final action on the complaint in ~~(j)(2)(i)(6)(A)~~  
30       must include the following advice:

31  
32       (A)   The subordinate judicial officer may request an opportunity to respond  
33       to the intended final action within 10 days after service of the notice;  
34       and

35  
36       (B)   \* \* \*

37  
38       ~~(5)(8)~~ If the subordinate judicial officer requests an opportunity to respond, the  
39       presiding judge ~~should~~ must allow the subordinate judicial officer an  
40       opportunity to respond to the notice of the intended final action, either orally  
41       or in writing as specified by the presiding judge, in accordance with local  
42       rules.  
43

1       ~~(6)~~(9) Within 10 days after the subordinate judicial officer has responded, the  
2       presiding judge must give the subordinate judicial officer ~~and the~~  
3       complainant written notice of the final action taken on the complaint. The  
4       notice to the complainant must include the information required under ~~(l)~~.

5  
6       ~~(7)~~(10) If the subordinate judicial officer does not request ~~or has not been given~~  
7       an opportunity to respond, the presiding judge must promptly give written  
8       notice of the final action to the complainant. The notice must include the  
9       information required under ~~(h)~~ (k).

10  
11       *(Subd (i) amended effective July 1, 2015; previously amended effective January 1, 2006*  
12       *and January 1, 2007.)*

13  
14       ~~(k)~~ (j)       **Notice to the Commission on Judicial Performance**

15  
16       (1) If a court disciplines a subordinate judicial officer by written reprimand ~~under~~  
17       ~~(i)(4)(B) or (j)(3)(C) or (D)~~, suspension, or removal termination for conduct  
18       that, if alleged against a judge, would be within the jurisdiction of the  
19       commission under article VI, section 18 of the California Constitution, the  
20       presiding judge must promptly forward to the commission a copy of the  
21       portions of the court file that reasonably reflect the basis of the action taken  
22       by the court, including the complaint or allegations of misconduct and the  
23       subordinate judicial officer's response. This provision is applicable even  
24       when the disciplinary action does not result from a written complaint.

25  
26       (2) If a subordinate judicial officer resigns (A) while an ~~preliminary or formal~~  
27       investigation under (i) ~~or (j)~~ is pending concerning conduct that, if alleged  
28       against a judge, would be within the jurisdiction of the commission under  
29       article VI, section 18 of the California Constitution, or (B) under  
30       circumstances that would lead a reasonable person to conclude that the  
31       resignation was due, at least in part, to a complaint or allegation of  
32       misconduct that, if alleged against a judge, would be within the jurisdiction  
33       of the commission under article VI, section 18 of the California Constitution,  
34       the presiding judge must, within 15 days of the resignation or as soon  
35       thereafter as is reasonably possible, forward to the commission the entire  
36       court file on any pending complaint about or allegation of misconduct  
37       committed by the subordinate judicial officer.

38  
39       (3)       \* \* \*

40  
41       *(Subd (j) relettered and amended effective July 1, 2015; adopted as subd (k); previously*  
42       *amended effective January 1, 2007 and July 1, 2010.)*  
43

1 **~~(k)~~(k) Notice of final court action**

2  
3 (1) When the court has completed its action on a complaint, the presiding judge  
4 must promptly notify the complainant, if known, and the subordinate judicial  
5 officer of the final court action.

6  
7 (2) \* \* \*

8  
9 *(Subd (k) relettered and amended effective July 1, 2015; adopted as subd (1); previously*  
10 *amended effective April 29, 1999 and January 1, 2007.)*

11  
12 *Rule 10.703 amended effective July 1, 2015; adopted as rule 6.655 effective November 20, 1998;*  
13 *previously amended and renumbered effective January 1, 2007; previously amended effective*  
14 *April 29, 1999, July 1, 2002, January 1, 2006, and July 1, 2010.*

15  
16 **Rule 10.804. Superior court financial policies and procedures**

17  
18 **(a) Adoption of financial policies and procedures by the ~~Administrative Office of~~**  
19 **~~the Courts~~ Judicial Council**

20  
21 ~~The Administrative Office of the Courts must prepare and adopt a financial policies~~  
22 ~~and procedures manual for the superior courts (The “Trial Court Financial Policies~~  
23 ~~and Procedures Manual”); must be consistent with the rules of court and policies~~  
24 ~~adopted by the Judicial Council. The manual and must include accounting~~  
25 ~~standards for superior courts and policies and procedures for procurement and~~  
26 ~~contracting by superior courts. These policies and procedures must not modify~~  
27 ~~superior courts’ existing authority to procure, contract for, or use goods or services~~  
28 ~~or the requirement that a court have authorized funding available in order to~~  
29 ~~procure or contract for any good or service.~~

30  
31 *(Subd (a) amended effective July 1, 2015; previously amended effective January 1, 2007.)*  
32

33 **(b) Comment period for financial policies and procedures**

34  
35 Before ~~issuing or~~ amending the *Trial Court Financial Policies and Procedures*  
36 *Manual*, the ~~Administrative Office of the Courts~~ Judicial Council must make it  
37 available ~~for comment from~~ to the superior courts ~~and from~~, the California  
38 Department of Finance, and the State Controller’s Office for 30 days for comment.

39  
40 *(Subd (b) amended effective July 1, 2015; previously amended effective January 1, 2007.)*  
41

42 **(c) \* \* \***  
43

- 1 *Rule 10.804 amended effective July 1, 2015; adopted as rule 6.707 effective January 1, 2001;*
- 2 *previously amended and renumbered effective January 1, 2007.*